

APPROVED: Meeting No. 13-83

ATTEST:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 11-83

April 25, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 25, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepian

Councilman John Tyner, II

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;
Secretary II Patricia Rager.

Re: City Manager's Report

Mr. Blick reported the following:

1. This past Saturday was the opening day of baseball. Mayor Freeland, Councilmen Duncan and Abrams were in attendance. There are 54 teams in the league with a total of 850 young people.
2. Next Sunday is Rockville Day at the Civic Center. The Mayor and Council's official welcome will take place at 1:30 at the main stage. The program runs from 1-6 p.m.
3. The liquor license for the Country Inn has been revoked by the Montgomery County Board of License Commissioners.
4. The City has received 23 applications for the free exterior paint program in the first week of the program.
5. The County has introduced Bill No. 19-83, Surplus School Property, which gives right of first refusal to municipalities to obtain surplus school property within their jurisdiction.

Councilwoman Hovsepian said she is glad the Country Inn's liquor license has been revoked.

Meeting No. 11-83

-2-

April 25, 1983

Re: Appointments

The Mayor, with the confirmation of the Council, made the following appointments:

Senior Citizens Commission - Flora Luckett - 3 year term
6 Fallswood Court

Rockville Housing Authority - Albert Mohorn - 5 year term
708 Carr Avenue

Energy Commission - J. Raymond Carroll - reappointed to 2 year term as
a member & 1 year term as
Chairman

Recreation & Park Board - Stephen Edwards - reappointed to 2 year term

Economic Development Council - Norman Hecht - 2 year term
Maryland National Bank
401 North Washington Street
(this is appointment made by the
Rockville Chamber of Commerce)

Animal Control Board - Nancy Todd Ackerman - 3 year term as member
617 Azalea Drive

Hal Sadler - 3 year term as alternate
209 Twinbrook Parkway

Re: Proclamation - "Secretaries
Week" - April 25-29

Proclamation No. 4-83

At the request of the Mayor, Councilwoman Hovsepien read the proclamation in which it was urged that all employers fortunate enough to have good secretaries to join the City in recognition of the significant contribution that they make to the successful operation of the City both in the private and public sector.

On motion of Councilman Abrams, duly seconded and unanimously passed, Proclamation No. 4-83, proclaiming the week of April 25-29 as "Secretaries Week" in the City of Rockville was adopted.

The Mayor recognized several students and their English teacher from Julius West Middle School who were present in the audience, who have developed promotion brochures on Rockville. Amy Hughes and Emily McGuckian gave a briefing on how they prepared and gathered the information on vacations, travel, City services and other information on Rockville. They then presented the brochures to the Mayor and Council.

Mayor Freeland thanked the students for coming this evening and presenting the brochures. He then presented them with flag pins. He also mentioned that at one time, the City used to hold a Rockville Government Day where students would come to City Hall and see the City at work. He suggested to the City Manager that the City look into doing something like this again.

Councilman Tyner noted that in the brochure the students mentioned the future opening of the Rockville Metro station and that if one looks quickly, they might be able to see the test trains running on the tracks.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Elaine Goldberg, 719 Harrington Road, Chairman of the Education Task Force Committee. Mrs. Goldberg came before the Mayor and Council to address the memo that the Mayor and Council have in their brief books tonight and to clarify the Commission's point on the proposed boundary change in the Orchard Ridge subdivision. She reiterated that the Commission is only commenting on the policy procedure and that a sub-committee has been formed to look into the matter at hand. She will keep the Mayor and Council informed.

Mayor Freeland thanked Mrs. Goldberg for keeping the Mayor and Council informed and said all decisions will be made on sound facts and for the benefit of all of Rockville. Councilman Tyner asked what is the beginning date for the process of the 15 year plan. Mrs. Goldberg said she believes the School Board will not do anything until Mr. Cody takes office, but staff should begin working on it during the summer for a November decision. Councilman Abrams asked if the Commission is looking at individual transfers. Mrs. Goldberg said they are not because they believe it is not appropriate for them to do so. Councilman Abrams asked if they had thought about representation from the Orchard Ridge subdivision on the subcommittee and has the Commission given any thought to Richard Montgomery becoming a magnet school. Mrs. Goldberg said the Commission has talked about it once and will be discussing it more in the future. Mayor Freeland informed Mrs. Goldberg that the Commission has the authority to create a subcommittee of people not on the Commission. He asked that once the Commission has identified what they are looking for, to ask the staff to place a notice in the Newsletter asking for interested citizens to submit an application. Mrs. Goldberg said she was not aware of that fact.

Meeting No. 11-83

-4-

April 25, 1983

2. Stewart Greenfeig, Fallsmead PTA. Mr. Greenfeig spoke to the Mayor and Council about the petition that has been submitted by the residents and developers of Orchard Ridge subdivision for a school boundary change. He expressed his concern about the role and function of the Advisory Commission and their desire to make the procedure work. He said there is no need to deviate from the procedure. He also expressed his concern over the sub committee that was developed to study the petition. He asked if this allows the Mayor and Council to take a position of one City school against another. He felt it was premature for the Mayor and Council to be involved with the petition.

Mayor Freeland thanked Mr. Greenfeig for coming before the Council. He then explained the Commission's purpose to Mr. Greenfeig and the City's past dealings and experiences with the School Board. He stated that the City will be a party to the process from the beginning to end and not come in in the middle. It will also abide by the School Board's decision. Mr. Greenfeig said there are Fallsmead people interested in serving on the subcommittees. Mayor Freeland said it should be well represented by all involved and hopes the task force, along with the Commission, will come up with a good position.

3. Howard Metro, Fallswood Subdivision. Mr. Metro said he adopts Mr. Greenfeig's comments because it is an extremely sensitive issue to the neighborhood. He asked that any decision on school boundary change be carefully reviewed.

4. Linda Ellis, Co-President of Beall PTA. She agreed that this is a very sensitive issue and agreed with the past comments. She is concerned when the City takes a stand and hopes that it will be in the best interest of all.

Mayor Freeland said before the Commission was formed, the City was not involved in any of the School Boards decisions. By the time the City got involved, it was usually too late. There is now a higher probability of good coming out of it if all interested parties work together.

5. Steve Fisher, 1014 Neal Drive, Vice President Burgundy Knolls Citizens Association. Mr. Fisher spoke to the Mayor and Council about Item No. 19 on the agenda this evening. He requested that this item be deferred until his Association has had a chance to look at the exchange.

6. Arlene Simons, Executive Director of Community Housing Resource Board. She said she would like to commend the Rockville Human Rights Commission

for its help in hosting the CHRB's brunch on Sunday at the Rockville Civic Center and also for its help in years' past. She also mentioned that April is Fair Housing Month and presented the Mayor and Council with bumper stickers.

Mrs. Mazzetta, Chairman of the Human Rights Commission was also present with Mrs. Simons and thanked the Council for appointing Al Mohorn to the Housing Authority Board. She informed the Council that the Commission is now starting work on a hand book and invited the Mayor and Council to attend its meeting on Saturday.

There being no other citizen wishing to address the Mayor and Council, the Citizen's Forum portion of the meeting was closed.

Re: Presentation of Proposed
Operating Budget FY84

Mr. Blick presented the proposed operating budget to the Council. It reflects a reduction in the tax rate from 90¢ to 86.5¢. The FY84 proposed water rate is proposed to decrease from \$1.06 per 1,000 gallons to \$1.00 per 1,000 gallons. The refuse rate is proposed to stay at the same rate of \$8.49 per month and the disposal rate at \$4.05. The sewer rate is proposed to be increased by 22¢ to \$1.83 per 1,000 gallons to offset increased disposal costs. Mr. Blick, with the assistance of viewgraphs, showed charts & graphs to help explain where the money comes from and how it is spent. He thanked all the staff involved in developing this year's proposed budget and said that copies of the budget are available at City Hall.

Re: Presentation of Proposed
Capital Improvements
Program FY84-89

Mr. Blick presented to the Council, the proposed C.I.P. for Fiscal Years 1984-1989. This year's CIP totals \$25.3 million - \$11.1 million will be spent on Transportation projects; \$7.8 million on Environmental projects; \$4.2 million on Town Center projects; \$1.4 million on Health & Safety projects; and the remaining \$880,000 on Recreation projects. Mr. Blick thanked Mr. Davis and Mr. Mitchell for their help in producing a fiscally sound document. Mr. Blick also noted that public hearings on the Budget and CIP will be on Monday, May 16 and Tuesday, May 24 at 8:00 p.m. in the Council Chamber. The tax rate is to be set on Monday, June 13, 1983.

Meeting No. 11-83

-6-

April 25, 1983

Re: Decision & Instruction
to Staff re Text Amendment
Application, T-54-82,
Burgundy Park Associates,
Inc., Applicant

The subject text amendment was the result of a public hearing on Monday, April 11, 1983. The Planning Commission reviewed the testimony presented at the public hearing on Text Amendment T-54-82. This review confirms the Commission's earlier decision that the solution proposed by Burgundy Park Associates for its "split lot" is inappropriate for reasons previously specified.

However, in the course of its review, the Commission analyzed the list of uses permitted in the County's I-2, Heavy Industrial Zone prior to 1971 and compared them to uses now permitted for Rockville's I-1 Zone. Of the 118 grandfathered uses in the County's I-2 Zone, 50 are now allowed in the City's I-1 Zone, either by right or by special exception.

An examination of the remaining 68 land uses has persuaded the Commission that an additional eight of those uses would improve the City's I-1, Light Industrial Zone by providing additional activities compatible with the I-1 Zone's uses and not detrimental to orderly commercial expansion.

The list of additional uses recommended by the Commission are as follows:

1. Ambulance service or Rescue Squad
2. Retailing of books, magazines and newspapers
3. Retailing of household appliances
4. Retailing of photographic supplies
5. Taxicab service (by special exception)
6. Retailing of art and drafting supplies and engineering instruments
7. Retailing of groceries
8. Retailing of home furniture and furnishings

Adding these uses requires the filing of a Text Amendment, plus a public hearing by the Mayor and Council.

The Commission believes that this amended approach will help the zone's development within the framework intended for it by the City and should also be useful in solving the difficulties encountered by Burgundy Park Associates. This solution, once in place, will not establish a new zoning procedure, will not require a legislative public hearing and will not require an inordinate amount of staff time.

The City Attorney explained to the Mayor and Council that the City has nothing on the books to address the development of structures found in 2

jurisdictions. He has drafted language that would protect the City for any proposed uses. He explained that the adoption of this language would address the Burgundy Park situation and any other situation on a case by case decision. This proposed legislation would require any person desiring to improve a record lot to submit an application to the City Clerk, accompanied by such fee as may be determined; identify the uses; set a hearing date; and submit the application within five days to the Planning Commission for written recommendation. Mayor Freeland questioned the Planning Commission's involvement. Mr. Glasgow said the Planning Commission reviews the application and sends back their comments before the Mayor and Council public hearing. They are still part of the process as in any land use decision. Mayor Freeland asked how the planning department felt about the situation now. Mr. Owens said the proposed amendment is sound and workable, but reiterated the Planning Commission's comments that the application proposes a time consuming process for only one piece of property involved. Councilman Abrams asked if there is a mechanism that could be used to remedy the situation that now exists at the Burgundy site. Mr Owens explained that there is a procedure to consider other uses in the I-1 Zone. It is separate from the procedure now before the Council. Mr. Abrams asked if there is any remedy that exists in any City law. Mr. Owens said the Mayor and Council or the Planning Commission would propose a new text amendment to amend the zoning and to add other uses in the I-1 Zone. Councilman Duncan asked the City Attorney what reasons could be used to deny applications. Mr. Glasgow said if it adversely affects the health and safety of the residents or workers in the area, overburden existing public services, be detrimental to the use and development of adjacent properties, or change the character of the neighborhood. Councilman Tyner asked if the City has heard anything further from the County on settling City/County arrangements. Mr. Owens said there had been no additional comments. Mr. Tyner asked why this particular situation could not be handled administratively as it has been done in the past. Mr. Owens said he felt it should have been handled in a different way and that all future ones will be. The City Manager explained to the Council that they could adopt the draft language prepared by the City Attorney to approve the proposed text amendment or they could enlarge the uses in the I-1 zone, the outcome would be about the same. The Mayor and Council further discussed this at length. Councilwoman Hovsepian pointed out

that the majority of the record plot is on County property and suggested that the Council go along with Mr. Glasgow's draft language for adoption of the text amendment.

On motion of Councilwoman Hovsepian, duly seconded by Councilman Abrams, staff was instructed to prepare the necessary legal documentation to approve Text Amendment Application, T-54-82. Councilman Tyner asked that the staff contact the County and get their comment on this text amendment and how they would handle it if it was before them. Mrs. Hovsepian agreed and said it was a good point. Councilman Duncan said he goes along with the Planning Commission's recommendation. Councilman Tyner commented that on occasions in the past, special legislation for special applications has been done. If an application should be filed, the applicant should be optimistic when filing. Mayor Freeland said it seems to him that there is no clear cut procedure to follow and is glad that this problem has been brought forward to the Council's attention and thinks that it should be on the books. Councilman Abrams asked if the Planning Commission has considered Mr. Glasgow's proposal. Mr. Glasgow said he does not know if the Commission has had an opportunity to review it but reminded the Council again that his draft is just on the text amendment application not the problem. Mrs. Manderscheid, a member of the Planning Commission, approached the Mayor and Council to say that the Commission has not seen the draft legislation and went on to reiterate the Planning Commission's thoughts on the proposed text amendment. Councilman Tyner asked if Mr. Chen, the attorney for the applicant, has reviewed the draft prepared by Mr. Glasgow. Mr. Chen said he has and is in agreement with it, and he also reiterated his client's position. Councilman Abrams asked that Mr. Fisher comment on this since it is located in his area. Mayor Freeland said the record is closed and there will be no additional comments.

Councilwoman Hovsepian's motion passed with Mayor Freeland and Councilmembers Abrams, Hovsepian and Tyner voting aye and Councilman Duncan voting nay.

Councilman Tyner asked that the City staff come back with the County staff's opinion. Mayor Freeland asked that the Planning Commission receive a copy of the draft to review and comment on before the Mayor and Council make final adoption. Councilwoman Hovsepian said she would like to address

Mr. Chen's letter and added that he should have been notified of the Planning Commission's memo.

Re: Resolution: To increase
fees for planning and
zoning applications

Resolution No. 11-83

Councilwoman Hovsepian said she had called the staff earlier today to get an explanation on some of the increases because she is concerned by the costs. Mr. Owens explained that most of the application fees cover the costs rather well but some fees are well below the costs involved in the processing of the application. He explained that each application has different requirements such as posting of a sign, advertising of hearing, mailing of notices (certified or regular), stenographer costs, outside agencies, and staff time involved. There is no clear similarity and each one is different. Councilwoman Hovsepian asked how the proposed increases compare with other jurisdictions. Mr. Owens explained that they are in the low to medium range of being comparable to the County's. Councilman Abrams asked how does the City's appeals fee compare with the County's. Mr. Owens said it is identical. Councilwoman Hovsepian expressed concern over the appeals' application fee jumping from \$20 to \$75 because it identifies mostly to single family homes. Councilman Abrams asked how many appeals are received a year. Mr. Owens said about 20 are received a year. The Council agreed to a \$50 appeals/variance fee for single family homes.

On motion of Councilman Duncan, duly seconded and unanimously passed, Resolution No. 11-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, increasing the fees for zoning and planning applications, was adopted by the Mayor and Council.

Re: Introduction of Ordinance:
To repeal and re-enact with
amendments, Section 11-1.09
of Chapter 11 of the "Laws
of Rockville", entitled
"Traffic, Vehicles and Trans-
portation" to provide that
certain trucks be prohibited
from using certain streets
as through routes.

On motion of Councilman Duncan, there was introduced upon the table, an Ordinance to amend Section 11-1.09 of Chapter 11 of the "Laws of Rockville"

to provide that certain trucks be prohibited from using certain streets as through routes, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
To amend Chapter 14A,
Section 1-111(e) of the
"Laws of Rockville",
entitled "Pumbing Code"
to require cleanouts and
locating devices.

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to amend Chapter 14A of the "Laws of Rockville" entitled "Plumbing Code" to require cleanouts and locating devices, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
To add a new Chapter 25
to the "Laws of Rockville",
entitled "Alarms", to
provide for the regulation
and licensing of alarm
businesses and users;
establish penalties; and
authorize administration

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to add a new Chapter 25 to the "Laws of Rockville" entitled "Alarms", providing for the regulation and licensing of alarm businesses and users; establish penalties; and authorize administration, said ordinance to lay over at least one week before final action is taken.

Councilman Duncan requested that a public hearing be scheduled for this ordinance. The date will be Monday, May 16, 1983, at 8:30 p.m.

Re: Introduction of Ordinance:
To add subsection 7-2.13(d)
to Chapter 7 of the "Laws
of Rockville", entitled
"Water, Sewer and Utilities",
to authorize City employees
to administer the section.

On motion of Councilman Abrams, there was introduced upon the table, an ordinance to add subsection 7-2.13(d) of the "Laws of Rockville" entitled "Water, Sewer and Utilities", authorizing City employees to administer the section, said ordinance to lay over at least one week before final action is taken.

Councilman Tyner asked that the staff give facts and figures on abuse and where there have been problems. Mr. Blick explained that the provision is there, this ordinance just clarifies who will enforce it.

Re: Introduction of Ordinance:
To repeal and re-enact with amendments, Section 1-103 of Chapter 14E of the "Laws of Rockville", entitled "Requirements for Numbers" to increase the size of address numerals

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to repeal and re-enact with amendments, Section 1-103 of the "Laws of Rockville" increasing the size of address numbers, said ordinance to lay over at least one week before final action is taken.

Councilman Tyner asked that comment from the Chamber of Commerce be received.

Re: Introduction of Resolution:
To enlarge the corporate boundaries of the City to include 2 acres of land, more or less, Cromwell property

On motion of Councilman Duncan, there was introduced upon the table, a resolution to enlarge the corporate boundaries of the City of Rockville to include 2 acres of land, more or less, known as the Cromwell property.

Re: Adoption of Resolution:
To provide for public hearing and notice in connection with the annexation of the Cromwell property, two acres of land.

Resolution No. 12-83

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 12-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, to provide for public hearing and notice in connection with the annexation of the Cromwell property, was adopted by the Mayor and Council.

Re: Adoption of Ordinance:
To amend Chapter 6 of the
"Laws of Rockville", "Zoning
and Planning Ordinance", to
provide for appeals from
decisions of the Historic
District Commission

Ordinance No. 10-83

On motion of Councilman Duncan, duly seconded and unanimously passed, Ordinance No. 10-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, providing for appeals from decisions of the Historic District Commission, was adopted by the Mayor and Council.

Re: Approval of Entry Agreement
with State Highway Admini-
stration - Rt. 28/Hurley Ave.

The State Highway Administration (SHA) has requested that the City convey its interest in a portion of property located at the intersection of Hurley Avenue and Route 28 to the State for the widening of Route 28.

The subject property is known as Parcel 9 arising from a plat of dedication which granted the City the right to use this property as a park and for drainage and utility easements. The plat in question is known as "Plat 1, Carter & Buchanan Properties" approved in August of 1966. The SHA would like to utilize a strip of land which is basically rectangular in shape (40' x 135') for right-of-way purposes.

The SHA is currently in the process of improving the Route 28 bridge over I-270. The SHA also plans to widen Route 28 between the bridge and Research Boulevard. Execution of the Entry Agreement will give the SHA possession of the City's interests so that they may proceed with construction, thus, approval of the Agreement by the Mayor and Council will aid the SHA in completing this road construction project.

It is recommended that the Mayor and Council approve the Entry Agreement with the SHA for the widening of Route 28.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council approved the Entry Agreement with SHA for the widening Route 28.

Councilwoman Hovsepien said there is presently no sidewalk across I-270 and asked if this can be provided or is it to be added. Councilman Abrams said he brought it up during last year's CIP but it was not approved. Mr. Blick said there may be a problem with room for it but it can be brought up at budget time. Councilman Tyner asked if SHA has agreed to Paragraph 4. Mr. Glasgow said they had.

Re: Approval of Acquisition
of land at Thomas Farm -
Research Boulevard -
Gude Drive

An "Offer of Agreement" has been negotiated with Mrs. Katherine G. Thomas through her attorney, Daniel W. O'Donoghue, Esquire. It is necessary to purchase a portion of the Thomas Farm for right-of-way purposes for the planned extensions of Research Boulevard and Gude Drive. The agreement is in the amount of \$572,400.

The Thomas property needed for the projects consist of a 5.25611 acre tract being acquired in fee simple, as well as, storm drainage, slope and temporary construction easements.

The property being purchased from Mrs. Thomas has been appraised by two independent professional real estate appraisers retained by the City to evaluate the right-of-way to be purchased from Mrs. Thomas. Each of the appraisers advised this office that substantial damages had accrued to two parcels of the Thomas property which became severed from the main property after the right-of-way taking. These parcels were damaged between 80% and 100% from an economic point of view, thus, the City incorporated their purchase into the taking during the course of negotiations. The damages resulted from the creation of two parcels which are too small for development under the parameters of the I-3 zone and are subsequently non-conforming.

Acquiring the right-of-way and the damaged parcels in lieu of paying damages was recommended as the best approach to follow by both of the appraisers. The offered price is considered by both appraisers to be within the range of fair market value.

The City can utilize the extra land area within the severed parcels for storage, etc. during construction. The City will then attempt to dispose of the unused property at a later date. The extra land would, for example, have value if assembled with adjacent property.

The Offer of Agreement has been reviewed by the Office of the City Attorney as to form and legality.

Meeting No. 11-83

-14-

April 25, 1983

It is recommended that the Mayor and Council approve the Offer of Agreement with Mrs. Thomas for the acquisition of right-of-way for Research Boulevard and Gude Drive.

Councilwoman Hovsepian asked where the money is budgeted. Mr. Blick said in last year's CIP. Councilman Abrams asked if there was any discussion about the resale of land back to the Thomases. Mr. Fitzgerald, the City's Real Estate Specialist, said there is interest should the City not need the land for further public improvement.

On motion of Councilman Duncan, duly seconded and unanimously passed, the Offer of Agreement with Mrs. Katherine G. Thomas for the acquisition of right-of way for Research Boulevard and Gude Drive was approved.

Re: Approval of Exchange of
land with Eisinger/Kilbane -
First Street

An "Offer of Agreement" which, if approved by the Mayor and Council, will complete an exchange of equal size parcels of land with the Green Development Company in the vicinity of First Street.

Mr. Roger Eisinger, a general partner of Green Development Company, has requested that the City undertake this exchange. An administrative review has been conducted among the Directors of Planning, Public Works and Recreation and Parks and each has recommended proceeding with the exchange. Green Development Company is the owner of an industrial lot on First Street which houses certain warehouse type facilities. The Green Development Company is seeking this exchange to make a small 4,801 square foot addition to their property. They would, in turn, deed a 4,801 square foot parcel which will serve as an addition to City parkland if approved by the Mayor and Council.

Green Development Company has agreed to bear all costs involved in settlement which is reflected in the proposed agreement. One special condition of the exchange would be the conveyance of the subject property to Green Development Company without commitment by the City as to rezoning or use approval. This concern would have to apply for and comply with all regulatory requirements.

It is recommended that the Mayor and Council approve the "Offer of Agreement" with Green Development Company in order to complete the exchange of land described above.

Mayor Freeland said he is going to honor Mr. Fisher's request for deferral of this item. He asked that Mr. Fisher talk with his community and get back to the Council. Councilwoman Hovsepian said she has looked at the property at the request of Mr. Fisher and explained that there is concern about the removal of trees. She asked that the staff look into this. Mayor Freeland asked that the staff input and neighborhood input be put on the May 9th agenda. Mr. Blick said in the interest of time and expense, the City will do a rough stake out and not an extensive survey. Councilman Tyner asked if the Recreation and Park Advisory Board has looked at this. Mr. Olson said they have not. Councilman Tyner asked that they look at it when the Board meets this Thursday.

Re: Award of Bid: Woodley
Gardens Tennis Court

H.B. #44 (Program Open Space Bill) was approved the last day of the Maryland Legislative Session. According to the POS Office, the total funding level will be \$16 million total for the state for FY84. Montgomery County's share will be \$1,396,000 of which the City will receive \$105,000. This amount, even though it is greater than expected, was lower due to the fact that revenues from the real estate transfer tax are down. Rockville's share has been averaging about \$172,000 per year in the past.

On March 14, 1983, the Council approved deferral of Bid No. 32-83 due to the fact that staff thought the POS funding would be eliminated completely in FY84.

Staff recommends that Bid No. 32-83, be awarded to Peak, Inc., for the adjusted items and quantity at a bid price of \$67,400. Peak, Inc., has performed construction previously for the City and does acceptable work.

Councilman Abrams asked if this bid includes lights. Mr. Olson said it does and they are also coin operated.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 32-83, for Woodley Gardens Tennis Courts and Basketball Court was awarded to Peak, Inc., in the amount of \$67,400.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Chester Parker, re tree replacement

Councilwoman Hovsepian said she had hoped the planting would include replacement of Hedge Maples on Monument Street and also thought that the replacement planting would have been done by now.

2. Letters concerning Orchard Ridge subdivision and school districts Beall PTA, Julius West PTA, Fallsmead PTA, residents
3. Letters from Legislature re HB1277
4. UCCCM, re thank you for police assistance
5. Dr. Coles, Wootton, thank you
6. Peerles Rockville, thank you
7. Diane Walen, thank you
8. Mary Boergers, re Employees Retirement System Bill
9. Michael Gordon, re SB551
10. Jennie Forehand, re highway signs

Councilman Tyner said he has heard from all three delegates on this bill and said Rockville has only one sign that would fit into this category. Councilman Abrams said there are no billboards in the City limits and this bill is of no concern to Rockville. Mr. Blick said the City does not want a State law passed that could cause problems in years ahead. Councilman Tyner added that the MML may be asking the Governor to veto the bill.

11. Michael Gordon, re SB20

Councilman Tyner said he will be coming back to the Council later with more information. It is a program the MML is looking to put together. It is already found in 14 states and would offer services to all municipalities if approved by the Board of Directors of MML.

12. L. J. Varshine, re suggestions for improvement

Councilwoman Hovsepian said she is not too clear on whether Mr. Varshine wants a training school to be set up on Stonestreet or if he is offering his services. Either one, she hopes the City will look at this possibility and pursue his offer.

13. COG acknowledgement of previous letter

Re: FYI

1. Memo re request for acquisition of land at Monroe/Fleet Street

Councilman Duncan said he agrees with the recommendation of Mr. Horne.

2. Report on six month rental permits at Mansion

Councilman Duncan questioned how many groups are there that meet more than once a month with a six month permit.

3. Letter and testimony to MNCPPC from Planning Commission re Gaithersburg Vicinity Master Plan

4. Information on Gypsy Moths
5. Memo from Public Information Officer re rabies information
6. HB 1277 - Tillie Frank Bill
7. Neighborhood survey and Lincoln Park NPAG information
8. Letter re Humanities Grant
9. Third Quarter Expenditure Report
10. MML Bulletin
11. Project Report - Community Resources
12. Memo from City Manager re Equipment Purchase
Councilman Duncan said he would like to see the system suggested by the committee purchased. It was the concensus of the Council that this system be purchased.
13. Memo from City Attorney re RSI, Inc.
14. Public Works Project Report

Re: New Business

1. Councilman Abrams said Mr. Mike Davis, Planning Director, spoke before the Potomac Woods Civic Association. He thanked him and said the Association appreciated his coming very much. Councilman Abrams said the Falls Road Interchange was brought up and there has been no effort or interest by the State to request an Environmental Impact Study and this should not slow the process down.
2. Mayor Freeland said he has been talking with the three delegates for Rockville and Senator Shore about the effectiveness of the team in Annapolis and the value of them. He has suggested to them that the Mayor and Council and the four of them get together on a quarterly basis to brief and debrief each other on what's happening in Rockville and Annapolis. Mayor Freeland said he wanted to see what the Council thought of this and explained that it would stop the Mayor and Council from going to four different meetings and having the legislators come to the Council meetings every week. Councilman Abrams said it sounds like a good idea and said something like this could have helped a couple of times this year. Councilmembers Hovsepian and Duncan also agreed this was a good idea.
3. Councilman Duncan informed the Council that this coming Saturday, April 30, the Special Olympics will be held at Richard Montgomery High School and said they need people to hand out ribbons.
4. Councilman Tyner said the MML Board will meet on Saturday to talk about the dues arrangement. Mayor Freeland asked that a letter be prepared for his signature expressing the City's concerns on their proposed dues increase.

Meeting No. 11-83

-18-

April 25, 1983

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 9-83, April 11, 1983, were approved as amended.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 10-83, April 18, 1983, were approved as written.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session to discuss personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:10 p.m. to convene again in work session on Monday, May 2, 1983, at 8:00 p.m. or at the call of the Mayor.